

## VITTAL AND STERNBERG

ATTORNEYS AT LAW

REPLY TO: Woodland Hills Office

WRITER'S E-MAIL ADDRESS

tmsesq@pacbell.net

WRITER'S DIRECT DIAL NUMBER

818.710.7888

1900 AVENUE OF THE STARS, 25TH FLOOR  
LOS ANGELES, CALIFORNIA 90067-4506  
TELEPHONE: (310) 551-0900  
FACSIMILE: (310) 551-2710

WARNER CENTER PLAZA  
21700 OXNARD STREET, SUITE 1640  
WOODLAND HILLS, CALIFORNIA 91367-7326  
TELEPHONE: (818) 710-7801  
FACSIMILE: (818) 593-6193

October 25, 2000

VIA FACSIMILE: 510.286.0470

Gary A. Hernandez, Chair  
California Coastal Conservancy  
1330 Broadway, 11<sup>th</sup> Floor  
Oakland, California 94612

Re: Potential Purchase of Lechuza Beach  
Our Reference: 0136.016

Dear Mr. Hernandez:

As you may know this office represents Malibu-Encinal Home Owners Association, Inc. ("MEHOA") the home owners association which oversees the Tract within which Lechuza Beach is located.

We write to request that the Conservancy's proposed acquisition of Lechuza Beach be removed from the agenda for the meeting to be held on October 26, 2000, so that significant issues affecting MEHOA's members and the public can be properly addressed.

Regrettably, this project has continued forward without any meaningful effort having been made to address the very real issues which directly affect MEHOA's efforts. Having been excluded from almost every phase of the Conservancy's activities, MEHOA has been forced to file a lawsuit, a copy of which is enclosed, in order to protect through litigation the interests it has been unable to secure through negotiation.

It appears that the Conservancy's desire to acquire Lechuza Beach and the developer's anxiousness to sell its stalled project have diverted all attention away from a number of key issues which should, and normally would, be addressed and resolved before any

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deal would be signed. Nor is MEHOA's the only voice raising caution flags and urging further work before a deal is authorized. The State Lands Commission - particularly motivated by the chance to settle its lawsuit with the seller - has also raised serious questions including the very fundamental question of whether the State can acquire the rights necessary to provide public access to the beach. (A copy of a letter from Deputy Attorney General Joseph Barbieri dated September 21, 2000, which outlines some of the SLC's concerns is attached for your reference.) The answers to the issues raised by the SLC are still not known with the result that the State may be about to buy a "public" beach to which the public has no right of access.

The proposed purchase would commit the State to paying as much as \$10 million of taxpayers' money. The expenditure of so large a sum of public funds and the concerns of the home owners most directly affected deserve that the Conservancy act with the utmost of prudence. The Conservancy can only do so if it is fully informed. We respectfully suggest that the Conservancy can not fulfill its obligations if it acts this Thursday. We therefore urge that this matter be taken off the agenda.

Very truly yours,

VITTAL AND STERNBERG

Terence M. Sternberg

TMS:ml  
Encls.

cc: (Via facsimile w/o encls.):  
Tony Giordano  
Robert Philibosian  
California Coastal Conservancy  
John J. Lorman, Vice Chair  
William Ahern, Executive Officer  
Steve Horn, Deputy Executive Officer  
Margaret Azevedo  
Tim Gage  
Larry Goldzband  
Mary Nichols  
Sara Wan  
Jim Burns  
Fred Klass

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cc: California State Lands Commission  
Cruz Bustamante, Lt. Governor  
Kathleen Connell, State Controller  
B. Timothy Gage, Director of Finance  
The Honorable Sheila Kuehl, Assembly